IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

LA.App..No. 1426 of 2007()

LAR.59/1999 of SUB COURT, MANJERI
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APPELLANT: 2ND SUPPL. RESPONDENT

KERALA STATE INDUSTRIAL DEVELOPMENT
CORPORATION, KOWDIAR P.O., THIRUVANANTHAPURAM
BY ITS AUTHORIZED OFFICER GEOGI GEORGE,
ASSISTANT GENERAL MANAGER(IGC).

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: 1ST RESPONDENT & SUPPL. CLAIMANTS
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1. THE DISTRICT COLLECTOR,
MALAPPURAM .

2. ITHIKKUTTY HAJUMMA,
W/O KURUNIYAN KUNHAHAMMED HAJI,
KURUNIYAN VEEDU, PANAKKAD AMSOM,
PATTARAKKADAV P.O., MALAPPURAM DISTRICT.

3. KURUNIYAN ABDULLA, S/O KUNHAHAMMEDAJI,
KURUNIYAN VEEDU, PANAKKAD AMSOM,
PATTARAKKADAV P.O., MALAPPURAM DISTRICT.

4. KURUNIYAN ADAMKUTTY,
S/O KUNHAHAMMED HAJI,
KURUNIYAN VEEDU, PANAKKAD AMSOM,
PATTARAKKADAV P.O., MALAPPURAM DISTRICT.

5. KURUNIYAN HAMZA, S/O KUNHAHAMMED HAJI,
KURUNIYAN VEEDU, PANAKKAD AMSOM,
PATTARAKKADAV P.O., MALAPPURAM DISTRICT.

6. KURUNIYAN KOYAMU, S/O KUNHAHAMMED HAJI,
KURUNIYAN VEEDU, PANAKKAD AMSOM,
PATTARAKKADAV P.O., MALAPPURAM DISTRICT.

7. KURUNIYAN KADEEJA, SHIBILA MANZIL,
KALLIDUMBIL, EDAVANNA AMSOM,
EDAVANNA P.O., MALAPPURAM DISTRICT.

8. KURUNIYAN FATHIMASUNHRA,
KURUTHODATH VEEDU, POOKKOTTOOR AMSOM,
POOKKOTTOOR P.O., MALAPPURAM DISTRICT.

9. KURUNIYAN SHAREEFA, ELACHOLA VEEDU,
NILAMBUR AMSOM, NILAMBUR RAILWAY STATION P.O.,
MALAPPURAM DISTRICT.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 15.10.2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.1426 of 2007

Dated 15th October, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in LAR 59/99 on the file of the Sub Court, Manjeri. The requisitioning authority is the appellant. The acquisition is for Industrial Growth Centre at Panakkad. Section 4(1) notification was published on 14.9.1995. The Land Acquisition Officer fixed the land value at the rate of Rs.2,310/- per cent and the reference court refixed the land value at Rs.4,000/- per cent. On the side of the claimants,Exts.A1 and A2 documents and the common judgment in LAR 49/99 (A3) were marked. Ext.A1 document is Ext.A3 in the common judgment in LAR 49/99 and connected cases. The reference court, taking note of the fact that the acquisition is covered by the same notification,

for the same purpose, and the property is situated adjacent and similar to the property covered by LAR 49/99 and 50/99, following Ext.A3, fixed the land value at Rs.4,000/- per cent. Ext.A3 has become final, in view of the judgment in LAA 252/05 and connected cases. Learned counsel appearing for the appellant submits that large extent of property is involved in this case and hence fixation at Rs.4,000/- per cent is unwarranted. We are afraid, the above contention cannot be appreciated. In LAA 1223/05, covered by the same notification, arising out of LAR 49/99, the extent involved is 2.1894 hectares. In the said case also, this court did not accept the contention that in respect of larger extents, the fixation of market value should be proportionately less, since there was no evidence to establish the contention. In this case also, there is no evidence available before the reference court to establish the contention that being larger extent, the value should be less. Yet another contention is that there is no road access

as far as the property involved in this case is concerned. We are afraid, the said contention also cannot be appreciated. In the award itself, it is clearly stated that there is a Municipal road passing through the acquired property. For all the above reasons, and particularly in view of the fact the relied on judgment (Ext.A3) has become final, this appeal is dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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